## REMARKS

Claims 2-25 are currently pending in the subject application and are presently under consideration. Favorable consideration of the subject patent application is respectfully requested in view of the comments herein.

### I. Rejection of Claims 2-21 Under 35 U.S.C. §103(a)

Claims 2-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Holland *et al.* (US 6,507,867) in view of Gauvin *et al.* (US 5,991,760) and further in view of Franco *et al.* (US 6,687,745). For at least the following reasons reversal of this rejection is respectfully requested. Holland *et al.*, Gauvin *et al.* and Franco *et al.*, either alone or in combination, do not teach or suggest each and every claim element set forth in the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations.*** *See* MPEP §706.02(j). The ***teaching or suggestion to make the claimed combination*** and the reasonable expectation of success ***must be found in the prior art and not based on the Applicant's disclosure.*** *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants' claimed invention relates to a system and method for providing a multi-tier distributed applications architecture wherein portions of remote applications can be executed from local systems to facilitate higher performance network/system operations and provide consistent offline/online user experiences. In particular, independent claim 3 (and similarly independent claims 11, 18 and 21) recites: *a first component that receives and maps a local request that is serviced by* ***relevant portions of application logic stored on a local portable storage medium and a server,*** *the relevant portions on the server comprising a mobile logic portion and a second component that*

*identifies the relevant portions of the application logic and* ***downloads the relevant portions from the local portable storage medium and server to the client to service the local request*** . The combination of Holland *et al.*, Gauvin *et al.* and Franco *et al.* does not teach or suggest these novel aspects of applicants' claimed invention.

The Office Action, utilizing independent claim 11 as the exemplary claim, asserts that Holland *et al.* provides: *a presentation tier for interacting with* ***a networked-based application at a client that is loaded via local portable storage and a server***, and that this aspect of the invention as claimed can be located at col. 5, lines 38-60; col. 6, lines 48-60 and col. 8, lines 38-67. Applicants' representative avers to the contrary. Holland *et al.* provides a method, system and computer-readable code for a technique by which multiple Web pages can be dynamically bundled (i.e. packaged) and downloaded for accessing on a user's workstation, enabling the user to perform a meaningful interaction even in the absence of an ongoing network connection. (*See* Abstract). The noted passages however, fail to disclose that a network-based application, or portions thereof, to which the presentation tier/first component is interacting is loaded on to the client both *via* portable storage local to the client and from a remote server. Holland *et al.* in contrast does not load a network-based application from either a remote server or from a local portable storage medium, let alone from both a remote server and a local portable storage medium. Rather, the cited document downloads web pages from a remote server, wherein the web pages are stored locally. (*See* col. 5, line 38 and col. 6, line 51). In addition, col. 8, lines 38-67 of the cited document pertain to software programming code that effectuates Holland *et al.*'s purported invention, rather than ***a networked-based application***, or portions thereof, that is loaded both *via* local portable storage and a remote server. Thus, Holland *et al.* does not teach or suggest identifying and receiving a network-based application, or portions thereof, from both a local portable storage as well as from a server.

In addition, neither Gauvin *et al.* nor Franco *et al.* makeup for the aforementioned deficiencies of Holland *et al*; Gauvin *et al.* teaches techniques for modifying remotely stored documents using a web browser, and Franco *et al.* discloses a method and system for delivering interactive links for presenting applications and information at a client computer from remote sources in a network.

In view of at least the foregoing, it is submitted that the rejection of independent claims 3, 11, 18 and 21 (and associated dependent claims 2, 4-10, 12-17 and 19-20) should be withdrawn.

**II. Rejection of Claims 22-24 Under 35 U.S.C. §103(a)**

Claims 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gauvin *et al.* (US 5,991,760) in view of Susaki *et al.* (US 6,327,658) and further in view of Reisman (US 6,125,388). This rejection should be with drawn for at least the following reasons. Gauvin *et al.*, Susaki *et al.* and Reisman, either individually or in combination, do not teach or suggest all limitations set forth in the subject claims.

Independent claim 22 recites: *transmitting a request for **portions of an application** associated with a transaction; retrieving respective **portions of the application** from a **local portable and a remote storage medium**; and loading the **portions of the application** on a client; verifying the loaded **portions of the application** are the **portions of application retrieved from the local portable and the remote storage medium**; and executing **the portions of the application** in connection with the transaction*. The combination of Gauvin *et al.*, Susaki *et al.* and Reisman, does not teach or suggest these novel aspect of applicants' claimed invention.

In particular, the Office Action indicates that Gauvin *et al.* teaches the exemplary aspects of the invention as claimed at col. 5, lines 6-52 and col. 8, lines 20-28. Applicants' representative contends to the contrary. The passages indicated by the Examiner disclose that a client computer downloads a copy of a remote network document, i.e. a database, from a server, whereupon the client – utilizing a local application program that is a duplicate of the application program on the server – can modify the downloaded database while the client is disconnected from the network. The invention as claimed, on the other hand, pertains to portions of an application, as distinct from a duplicate, associated with a transaction wherein particular application portions associated with a transaction are retrieved respectively from both a local portable and a remote storage medium. The retrieved portions of the application are then loaded on a client whereupon verification is made to determine whether the loaded portions of the application were retrieved from the local and the remote storage medium. Upon

completion of these acts, the portions of the application are executed in connection with the transaction. As is apparent, Gauvin *et al.* and applicants' claimed invention are clearly distinguishable in that Gauvin *et al.* does not request portions of an application associated with a transaction from both a local and remote storage medium. Rather it appears that Gauvin *et al.* downloads a copy of a database onto a client machine for subsequent modification of the downloaded copy of the database by a local application that is a duplicate of the application program on the server and is already existent on the client machine. Thus it is submitted that Gauvin *et al.* does not teach or suggest the limitations of the subject claims for which the Office Action relies upon the cited document. Further, neither Susaki *et al.* nor Reisman make up for the aforementioned deficiencies of Gauvin *et al.* Accordingly, reversal of this rejection with respect to independent claim 22, and dependent claims 23-24, is respectfully requested.

**III. Rejection of Claim 25 Under 35 U.S.C. §103(a)**

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gauvin *et al.* (US 5,991,760) in view of Franco *et al.* (US 6,687,745) and further in view of Reisman (US 6,125,388). Withdrawal of this rejection is respectfully requested for at least the following reasons. Gauvin *et al.*, Franco *et al.* and Reisman, either alone or in combination, do not teach or suggest each and every limitation set forth in the subject claim.

Independent claim 25 recites: *receiving a first request from a client for a first portion of an application that is stored on a CD or a floppy disk; downloading the first portion of application to the client; and receiving a second request from the client to execute a second portion of the application at the server to complete servicing the client request, wherein the request is satisfied by both the client and the server that are servicing respective secure portions of the request.* The combination of Gauvin *et al.*, Franco *et al.* and Reisman, does not teach or suggest these exemplary aspects of the invention as claimed.

The Office Action asserts that Gauvin *et al.* shows substantial features of the claimed invention at col. 5, lines 6-31; col. 8, line 20-28 and the Abstract. Applicants' representative disagrees for at least the following reasons. As stated above, Gauvin *et al.*,

at the passages indicated, discloses that a client downloads a copy of a database from a server, whereupon the client modifies the downloaded database with a duplicate of the application program that exists on the server and then once manipulation of the database has been accomplished on the client, the database is uploaded to the server. The invention as claimed on the other hand, embarks on a two-pronged approach whereby upon a request from a client a first portion of an application resident on a CD or a floppy disk is downloaded to the client. Then on receipt of a second request from the client a second portion of the application resident on the server is executed to complete servicing of the client request, such that both the client and the server in concert satisfy and service respective portions of the request. As is evident, Gauvin *et al.* does not disclose such a two-pronged approach wherein portions of the application are executed on both the server and the client to effectuate the servicing of a request generated by the client. Thus it is submitted that the cited document and the invention as claimed are clearly distinguishable in this regard. Further, it is asserted that both Franco *et al.* and Reisman fail to cure the deficiencies rendered by Gauvin *et al.*, and as such this rejection should be withdrawn with respect to the subject claim.

## CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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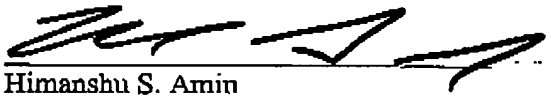

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